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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,821	11/05/2003	Paul Harold Donnelly II	MSFT125756	7328
38991 7590 01/17/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER KIM, PAUL	
			ART UNIT	PAPER NUMBER
			2161	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/701,821	DONNELLY ET AL.	
	Examiner	Art Unit	
	Paul Kim	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 36 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 36 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/5/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action is responsive to the following communication: Telephonic election made on 19 December 2006.

2. Claims 1-20, 36, and 41 are pending and present for examination. Claims 1, 17, 36, and 41 are independent.

Election/Restrictions

3. During a telephone conversation with Applicant on 19 December 2006 a provisional election was made without traverse to prosecute the claim 1-20, 36, and 41. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-35 and 37-40 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 5 November 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-6, 8-11, 14-19, 36, and 41** are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin et al (U.S. Patent No. 6,442,714, hereinafter referred to as GRIFFIN), filed on 17 March 1999, and issued on 27 August 2002.

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7. **As per independent claim 1**, GRIFFIN teaches:

A system for reporting information regarding use of one or more software products, comprising:

a report user interface {See Griffin, C4:L34-37};

one or more sets of report user interface definition files, wherein a set of report user interface definition files customizes the report user interface for reporting information regarding a particular software product {See Griffin, C4:L50-55}; and

a report client for presenting the report user interface {See Griffin, C4:L36-37}.

8. **As per dependent claim 2**, GRIFFIN teaches:

The system of claim 1 wherein the report user interface facilitates reporting information regarding a problem encountered by a software user {See Griffin, C1:L59-67}.

9. **As per dependent claim 3**, GRIFFIN teaches:

The system of claim 1, further comprising:

a report file generated by the client, wherein the report file is based on information entered by way of the report user interface {See Griffin, C3:L64-C4:L1}.

10. **As per dependent claim 4**, GRIFFIN teaches:

The system of claim 3, further comprising: a server to which the report file can be transmitted by the client {See Griffin, C3:L64-C4:L1}.

11. **As per dependent claim 5**, because the saving and completion of an incomplete form were optionally recited within the claim, they will not be given further consideration nor will prior art be applied for the purposes of this examination.

12. **As per dependent claim 6**, GRIFFIN teaches:

The system of claim 3, further comprising: a report package generated by the client, wherein the report package contains the report file and additional report information {See Griffin, C6:L57-65}.

13. **As per dependent claim 8**, GRIFFIN teaches:

The system of claim 6 wherein the additional report information includes hardware information for a computer operated by a software user {See Griffin, C6:L60-62}.

14. **As per dependent claim 9**, GRIFFIN teaches:

The system of claim 6 wherein the additional report information includes files required in accordance with the set of report user interface definition files {See Griffin, C5L:38-41}.

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15. **As per dependent claim 10**, GRIFFIN teaches:

The system of claim 6 wherein the additional report information includes files designated by a software user {See Griffin, C6:L63-65}.

16. **As per dependent claim 11**, GRIFFIN teaches:

The system of claim 1 wherein the one or more sets of files comprise one or more text files formatted in accordance with a markup language {See Griffin, C4:L48-49 and C5:L15-16}.

17. **As per dependent claim 14**, GRIFFIN teaches:

The system of claim 1 wherein the report user interface is dynamically configurable based on information entered by a software user {See Griffin, C3:L64-C4:L1}.

18. **As per dependent claim 15**, GRIFFIN teaches:

The system of claim 1 wherein a set of report user interface definition files comprises:

a report parent file {See Griffin, C4:L49-51}; and

one or more additional report user interface definition files, wherein an additional report user interface definition file corresponds to a child screen in the report user interface {See Griffin, Figure 5 and C4:L51-55}.

19. **As per dependent claim 16**, it would be inherent for identification credentials (e.g. an IP address) for a software user to be obtained wherein the present invention comprises of the transmission of a report file by a client to a server.

20. **As per independent claims 17, 36, and 41**, GRIFFIN teaches:

A method for obtaining information regarding use of a software product, the method comprising:

obtaining information reported by a user of the software product by way of a general report client and one or more report user interface definition files, wherein the report user interface definition files specify a user interface presented by the general report client and customized with respect to the software product {See Griffin, C4:L50-55}; and

modifying the one or more report user interface definition files based on the information reported by the user {See Griffin, C3:L64-C4:L1}.

21. **As per dependent claim 18**, GRIFFIN teaches:

The method of claim 17 wherein the user is a beta-testing user {See Griffin, C5:L6-7}.

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22. **As per dependent claim 19**, GRIFFIN teaches:

The method of claim 17 wherein the one or more report user interface definition files comprise one or more text files formatted in accordance with a markup language {See Griffin, C4:L48-49 and C5:L15-16}.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claims 7, 12-13, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over GRIFFIN, in view of Official Notice.

25. **As per dependent claim 7**, the Office takes Official Notice that the report package comprise a cabinet file since it is widely and commonly known within the art that cabinet files are used for packaging a number of related files and compressing said package.

26. **As per dependent claims 12 and 20**, the Office takes Official Notice that text files may be formatted in accordance with Extensible Markup Language (XML) since XML is widely and commonly known within the art as a standardized markup language.

27. **As per dependent claim 13**, the Office takes Official Notice that the client would comprise an XML control parser particularly wherein the client of the claimed invention formats text files in accordance with XML which is a standard markup language within the art.

Conclusion


28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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